IN THE HIGH COURT OF JUDICATURE AT MADRAS.

DATED: 9.7.2003.

CORAM:
THE HONOURABLE MR.JUSTICE P.D.DINAKARAN.

WRIT PETITION No.12026 of 2003 and W.V.M.P.No.1052 of 2003 and
W.M.P.No.15076 of 2003.

B.Balasubramanian. ...Petitioner.

.vs.

1.Power Grid Corporation of
India Limited (represented)
by its Chairman and
Managing Director,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi.
110 016.

2.Power Grid Corporation of
India Limited, Southern
Region Transmission
System II, Regional Head
Quarters, (represented)
by its Deputy Manager,
Shahakara Bhawan,
No.32,Race Course Cross Road,
Bangalore. 560 001.

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Certiorarified Mandamus, as stated therein.

!Mr.S.Vaidyanathan. ... For Petitioner.

^Mr.Jayes Dolia
for M/s Aiyar & Dolia. .. For Respondents 1 & 2.
...

:ORDER

By consent the Writ Petition itself is taken up for

hearing.

2.Aggrieved by an order of transfer dated 9.4.2003 passed by the 2 nd respondent herein transferring the petitioner from Trichy to Hiriyur, the petitioner seeks Writ of Mandamus to call for the records from the respondents relating to the office order 073/2003 bearing reference No.SRTS-II: HR:ESTT: 2003:412 dated 9.4.2003 issued on behalf of the second respondent and quash the same in so far as Sl.No.17 petitioner is concerned and consequently direct the respondents to continue the petitioner at Trichy substation with all consequential benefits and award costs.

3.1: Mr.S.Vaidynathan, learned counsel for the petitioner is not disputing the power of the respondents to transfer the petitioner. The whole contention of the learned counsel for the petitioner is that he moved Writ Petitions

W.P.Nos.9850 of 2003 and 10089 of 2003 before this court staking his service benefits and prejudiced by the same, the respondents transferred the petitioner by the impugned proceedings.

3.2:Inter alia it is contended that the petitioner is an active member of the Trade Union and the Management by impugned proceedings proposed to transfer the persons,who are not amenable to the views of the Management.

3.3: Another contention of the learned counsel for the petitioner is that one P.P.Sasidharan and P.Thulasidaran, are also Store Keepers , but they are seniors to him, but without transferring those persons,the Management by impugned proceedings had chosen to transfer the petitioner arbitrarily.

4.1:I am unable to appreciate the contentions of the learned counsel for the petitioner. It is settled law that where the transfers of employees are challenged on the ground of malafide, the malafide must be based on firm foundation of facts, but not merely on vague allegations. It may not be proper to construe that the respondentManagement acted malafide in passing the impugned order of transfer, merely because the petitioner filed two Writ Petitions before this court on earlier occasions, and the same are still pending before this court, which by itself would not curtail the powers of the Management to transfer the employees.

4.2 Similarly the other contention of the learned counsel for the petitioner that merely because he is an active member of a particular Union, the Management proposed to transfer him by impugned proceedings is also very vague and remote.

4.3: As far as the contention of the learned counsel for the petitioner that leaving one P.P.Sasidharan and P.Thulasidharan, who are senior Store Keepers, and transferring the petitioner by impugned proceedings is arbitrary is concerned, in my considered opinion, selecting the persons for the appropriate place for appropriate job is purely within the domain of the Management. It may not be proper for this court to interfere in such area of administration.

5.For all these reasons, the Writ Petition fails and is therefore dismissed. Consequently, W.V.M.P.No.1052 of 2003 and W.P.M.P.No.1507 6 of 2003 are closed. No costs.

Index:yes. 9/7/2003
Website:yes.
nyr

To

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